

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: Tami Tarita Muhammad,)	CASE NO. 18-50891-jwc
)	
)	CHAPTER 13
Debtor)	
)	
Tucker Square 670, LLC)	
a/a/f Tucker Square Apartment Homes)	
)	
Movant)	
v.)	CONTESTED MATTER
)	
Tami Muhammad,)	
)	
Debtor)	
)	
Nancy J. Whaley, Trustee)	
)	
Respondents)	

MOTION FOR ORDER CONFIRMING TERMINATION OF STAY

COMES NOW Movant Tucker Square 670, LLC a/a/f Tucker Square Apartment Homes and files this Motion for Order Confirming Termination of Stay showing the Court as follows:

1.

Debtor having filed a voluntary petition pursuant to 11 U.S.C. § 701 *et seq.* is subject to the jurisdiction of this Court.

2.

The Court has jurisdiction over this Motion pursuant to 11 U.S.C. § 362. This is a core proceeding pursuant to 28 U.S.C. § 157.

3.

This is a Motion pursuant to 11 U.S.C. §§ 362(c) and 362(j) of the Bankruptcy Code for an Order confirming the stay has terminated.

4.

Debtor previously filed a voluntary petition under Chapter 13, Bankruptcy case number 17-67528crm. Said case was dismissed on January 18, 2018. *See* Exhibit “A” attached hereto.

5.

Pursuant to 11 U.S.C. § 362 (c)(3)(A), Debtors are only entitled to an automatic stay for thirty (30) days from the date of filing the petition as a repeat filer within one year of a previously dismissed bankruptcy case. This case was filed January 19, 2018 and therefore the stay has terminated. § 362(c)(3)(A) explicitly states the “stay . . . with respect to any action taken with respect to . . . any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case.”

6.

Debtor moved this Court for an extension of the automatic stay pursuant to 11 U.S.C. § 362 (c)(3)(B), which requires a repeat filer, such as Debtor, to move the Bankruptcy Court to extend the automatic stay beyond the thirty days. However, that extension expired on April 24, 2018.

7.

Movant and Debtor have a lease agreement for property located at 1313 Stone Run, Apt. 1319C, Stone Mountain, Georgia 30083. Debtor is in breach of said lease agreement for failure to pay rent.

WHEREFORE, Movant prays for the following relief:

(A) an Order confirming the automatic stay is no longer in effect in this case

(B) that this Court deny any extension of the automatic stay as to Movant;

(B) for such other and further relief as the Court deems just and equitable.

Dated: May 11, 2018.

/s/ Randal M. Hughes

Randal M. Hughes
Attorney for Movant
Self & Associates, LLC
Ga. Bar No. 131864

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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2018, I served the following parties by electronically filing the foregoing Motion for Order Confirming Termination of Stay using the CM/ECF system, or through first class mail:

Trustee:
Nancy J. Whaley, Standing Ch. 13 Trustee
303 Peachtree Center Avenue
Suite 120, Suntrust Garden Plaza
Atlanta, GA 30303
(678) 992-1201

Attorney for Debtor:
Howard P. Slomka
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Overlook 111 – Suite 1700
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Debtor:
Tami Muhammad
1313 Stone Run, Apt. 1319C
Stone Mountain, Georgia, 30083

/s/ Randal M. Hughes
Randal M. Hughes
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